

SCANNED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BBC CHARTERING & LOGISTIC GmbH & Co.:  
K.G.

Plaintiff,

08-CV-00200 (WHP) (AJP)

-against-

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

USIMINAS MECANICA S/A,  
PERINI O&G, PERINI CORP.,  
O&G INDUSTRIES INC., and  
UNIBANCO AIG SEGUROS S/A

Defendants.  
-----X

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF N.Y.  
FEB 6 PM 4:46

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, LILI F. BENEDA, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Michael J. Nicaud  
Firm Name: Galloway, Johnson, Tompkins, Burr & Smith  
Address: One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
City/State/Zip: New Orleans, Louisiana 70139  
Phone Number: (504) 525-6802  
Fax Number: (504) 525-2456

Michael J. Nicaud is a member in good standing of the Supreme Court of Louisiana. There are no pending disciplinary proceedings against Michael J. Nicaud in any State or


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Federal Court.

Dated: February 6, 2008  
New York, New York

Respectfully submitted,

CONDON & FORSYTH LLP

By: 

Lili F. Beneda (LB 1879)  
7 Times Square, 18<sup>th</sup> Floor  
New York, New York 10036  
Telephone: (212) 894-6778  
Facsimile: (212) 597-6721

Attorneys for Plaintiff  
BBC Chartering & Logistic GmbH & Co. K.G.

To: Jason P. Waguespack, Esq.  
Michael J. Nicaud, Esq.  
One Shell Square  
701 Poydras Street, 40<sup>th</sup> Floor  
New Orleans, Louisiana 70139  
Attorneys for Plaintiff  
BBC Chartering & Logistic GmbH & Co. K.G.

Keith Lee Flicker, Esq.  
Flicker, Garelick & Associates, LLP  
45 Broadway  
New York, New York 10006  
Attorneys for Defendants  
Perini Corporation, Perini O&G, and  
O&G Industries, Inc.

Usiminas Mecanica S/A  
Rua Hum, 2000-Bairro Usiminas  
CEP 35160-900-1 Patinga-MG-Brazil

Unibanco AIG Seguros S/A  
Av Eusebio Matoso 1375  
2 Ao 8 Andares E 10 And R  
Pinheiros, São Paulo, Brazil

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BBC CHARTERING & LOGISTIC GmbH & Co.:  
K.G.

Plaintiff,

-against-

USIMINAS MECANICA S/A,  
PERINI O&G, PERINI CORP.,  
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Defendants.  
-----X

08-CV-00200 (WHP) (AJP)

**AFFIDAVIT OF LILI F. BENEDA  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**

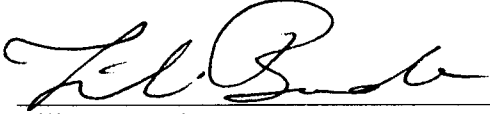
State of New York           §  
                                      §  
County of New York       §

LILI F. BENEDA, being duly sworn, deposes and says as follows:

1. I am an associate with Condon & Forsyth LLP, counsel for Plaintiff BBC Chartering & Logistic GmbH & Co. K.G. ("BBC") in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff BBC's motion to admit Michael J. Nicaud as counsel *pro hac vice* to represent Plaintiff BBC in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in 2005. I am also admitted to the bar of the United States District of New York, and am in good standing with this Court.
3. I have known Michael J. Nicaud since approximately 2001.
4. Mr. Nicaud is an associate at Galloway, Johnson, Tompkins, Burr & Smith.
5. I have found Mr. Nicaud to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.
6. Attached hereto as Exhibit A is a Certificate from the Louisiana Supreme Court which has been issued within thirty days of this motion, and which states that Michael J. Nicaud is a member in good standing of the Louisiana State Bar.

7. Accordingly, I am pleased to move the admission of Michael J. Nicaud, *pro hac vice*.
8. I respectfully submit a proposed order granting the admission of Michael J. Nicaud, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Michael J. Nicaud, *proc hac vice*, to represent BBC in the above captioned matter, be granted.

  
Lili F. Beneda

Subscribed and sworn to before me  
this 1<sup>st</sup> day of February, 2008.

  
Notary Public

**BEATRIZ ROMERO**  
Notary Public, State of New York  
No. 01RO6176808  
Qualified in Orange County  
Commission Expires November 5, 20 11

**United States of America**  
**State of Louisiana**  
**Supreme Court of the State of Louisiana**

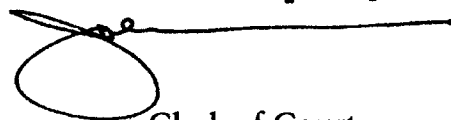
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I, JOHN TARLTON OLIVIER, Clerk of the Supreme Court of the State of Louisiana, do hereby certify that

**MICHAEL J. NICAUD, JR., ESQ., #29365**

was duly admitted and licensed to practice as an attorney and counselor at law in this Court and the several courts of the State of Louisiana, on the 15th Day of October, 2004 A.D.; and is currently in good standing, and sufficiently qualified to perform the duties of an attorney and counselor at law.

IN WITNESS WHEREOF, I hereunto sign  
my name and affix the seal of this Court,  
at the City of New Orleans, this the 30th  
Day of January, 2008, A.D.

A handwritten signature in black ink, appearing to read "John Tarlton Olivier", is written over a horizontal line. Below the signature is a large, hand-drawn oval.

Clerk of Court  
Supreme Court of Louisiana

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BBC CHARTERING & LOGISTIC GmbH & Co.:  
K.G.

Plaintiff,

-against-

USIMINAS MECANICA S/A,  
PERINI O&G, PERINI CORP.,  
O&G INDUSTRIES INC., and  
UNIBANCO AIG SEGUROS S/A

Defendants.  
-----X

08-CV-00200 (WHP) (AJP)

**ORDER FOR ADMISSION  
PRO HAC VICE ON WRITTEN  
MOTION**

Upon the motion of LILI F. BENEDA, attorney for Plaintiff BBC Chartering & Logistic GmbH & Co. K.G. ("BBC"), and said sponsor attorney's affidavit in support:

**IT IS HEREBY ORDERED** that

Applicant's Name: Michael J. Nicaud  
Firm Name: Galloway, Johnson, Tompkins, Burr & Smith  
Address: One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
City/State/Zip: New Orleans, Louisiana 70139  
Phone Number: (504) 525-6802  
Fax Number: (504) 525-2456

is admitted to practice *pro hac vice* as counsel for Plaintiff BBC in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall

forward the *pro hac vice* fee to the Clerk of the Court.

Dated: February \_\_\_, 2008  
New York, New York

---

Hon. William H. Pauley, III  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BBC CHARTERING & LOGISTIC GmbH & Co.:  
K.G.

Plaintiff,

-against-

USIMINAS MECANICA S/A,  
PERINI O&G, PERINI CORP.,  
O&G INDUSTRIES INC., and  
UNIBANCO AIG SEGUROS S/A

Defendants.  
-----X

08-CV-00200 (WHP)(AJP)

**MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern District of New York, I, LILI F. BENEDA, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission *pro hac vice* of:

Applicant's Name: Jason Waguespack  
Firm Name: Galloway, Johnson, Tompkins, Burr & Smith  
Address: One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
City/State/Zip: New Orleans, Louisiana 70139  
Phone Number: (504) 525-6802  
Fax Number: (504) 525-2456

Jason Waguespack is a member in good standing of the Supreme Court of Louisiana. There are no pending disciplinary proceedings against Jason Waguespack in any State or

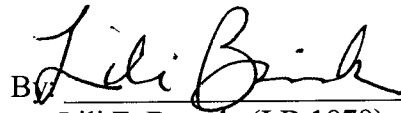


Federal Court.

Dated: February 6, 2008  
New York, New York

Respectfully submitted,

CONDON & FORSYTH LLP

By Lili Beneda

Lili F. Beneda (LB 1879)  
7 Times Square, 18<sup>th</sup> Floor  
New York, New York 10036  
Telephone: (212) 894-6778  
Facsimile: (212) 597-6721

Attorneys for Plaintiff  
BBC Chartering & Logistic GmbH & Co. K.G.

To: Jason P. Waguespack, Esq.  
Michael J. Nicaud, Esq.  
One Shell Square  
701 Poydras Street, 40<sup>th</sup> Floor  
New Orleans, Louisiana 70139  
Attorneys for Plaintiff  
BBC Chartering & Logistic GmbH & Co. K.G.

Keith Lee Flicker, Esq.  
Flicker, Garelick & Associates, LLP  
45 Broadway  
New York, New York 10006  
Attorneys for Defendants  
Perini Corporation, Perini O&G, and  
O&G Industries, Inc.

Usiminas Mecanica S/A  
Rua Hum, 2000-Bairro Usiminas  
CEP 35160-900-1 Patinga-MG-Brazil

Unibanco AIG Seguros S/A  
Av Eusebio Matoso 1375  
2 Ao 8 Andares E 10 And R  
Pinheiros, São Paulo, Brazil

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BBC CHARTERING & LOGISTIC GmbH & Co.:  
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Plaintiff,

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USIMINAS MECANICA S/A,  
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Defendants.  
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08-CV-00200 (WHP) (AJP)

**AFFIDAVIT OF LILI F. BENEDA  
IN SUPPORT OF MOTION TO  
ADMIT COUNSEL PRO HAC VICE**


State of New York           §  
                                      §  
County of New York       §

LILI F. BENEDA, being duly sworn, deposes and says as follows:

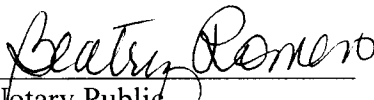
1. I am an associate with Condon & Forsyth LLP, counsel for Plaintiff BBC Chartering & Logistic GmbH & Co. K.G. ("BBC") in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff BBC's motion to admit Jason Waguespack as counsel *pro hac vice* to represent Plaintiff BBC in this matter.
2. I am a member in good standing of the bar of the State of New York and was admitted to practice law in 2005. I am also admitted to the bar of the United States District of New York, and am in good standing with this Court.
3. I have known Jason Waguespack since approximately 2001.
4. Mr. Waguespack is an associate at Galloway, Johnson, Tompkins, Burr & Smith.
5. I have found Mr. Waguespack to be a skilled attorney and a person of integrity. He is experienced in federal practice and is familiar with the Federal Rules of Civil Procedure.
6. Attached hereto as Exhibit A is a Certificate from the Louisiana Supreme Court which has been issued within thirty days of this motion, and which states that Jason Waguespack is a member in good standing of the Louisiana State Bar.

6. Accordingly, I am pleased to move the admission of Jason Waguespack, *pro hac vice*.
7. I respectfully submit a proposed order granting the admission of Jason Waguespack, *pro hac vice*, which is attached hereto as Exhibit B.

WHEREFORE, it is respectfully requested that the motion to admit Jason Waguespack, *proc hac vice*, to represent BBC in the above captioned matter, be granted.

  
Lili F. Beneda

Subscribed and sworn to before me  
this 1<sup>st</sup> day of February, 2008.

  
Notary Public

**BEATRIZ ROMERO**  
**Notary Public, State of New York**  
**No. 01RO6176808**  
**Qualified in Orange County**  
**Commission Expires November 5, 20 11**

**United States of America**  
**State of Louisiana**  
**Supreme Court of the State of Louisiana**

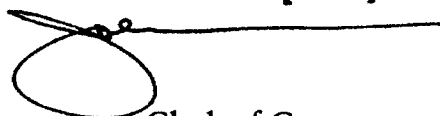
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I, JOHN TARLTON OLIVIER, Clerk of the Supreme Court of the State of Louisiana, do hereby certify that

**JASON PAUL WAGUESPACK, ESQ., #21123**

was duly admitted and licensed to practice as an attorney and counselor at law in this Court and the several courts of the State of Louisiana, on the 11th Day of October, 1991 A.D.; and is currently in good standing, and sufficiently qualified to perform the duties of an attorney and counselor at law.

IN WITNESS WHEREOF, I hereunto sign  
my name and affix the seal of this Court,  
at the City of New Orleans, this the 30th  
Day of January, 2008, A.D.

A handwritten signature in black ink, appearing to read "John Tarlton Olivier", written over a horizontal line.

Clerk of Court  
Supreme Court of Louisiana

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BBC CHARTERING & LOGISTIC GmbH & Co.:  
K.G.

Plaintiff,

-against-

USIMINAS MECANICA S/A,  
PERINI O&G, PERINI CORP.,  
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UNIBANCO AIG SEGUROS S/A

Defendants.

08-CV-00200 (WHP)(AJP)

**ORDER FOR ADMISSION  
PRO HAC VICE ON WRITTEN  
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**IT IS HEREBY ORDERED** that

Applicant's Name: Jason Waguespack  
Firm Name: Galloway, Johnson, Tompkins, Burr & Smith  
Address: One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
City/State/Zip: New Orleans, Louisiana 70139  
Phone Number: (504) 525-6802  
Fax Number: (504) 525-2456

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forward the *pro hac vice* fee to the Clerk of the Court.

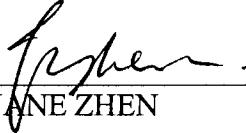
Dated: February \_\_, 2008  
New York, New York

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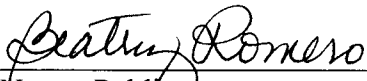
Hon. William H. Pauley, III  
United States District Judge



enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
\_\_\_\_\_  
JANE ZHEN

Sworn to before me this  
6<sup>th</sup> day of February, 2008

  
\_\_\_\_\_  
Notary Public

**BEATRIZ ROMERO**  
**Notary Public, State of New York**  
**No. 01RO6176808**  
**Qualified in Orange County**  
**Commission Expires November 5, 20 11**